

S E C R E T

21 December 1970

MEMORANDUM FOR: Legislative Counsel

SUBJECT : Senate Bill S4453

1. In response to your request for comments on this bill, my technical people have now reviewed it. Aside from being somewhat appalled at the proposed size of this new department and the concomitant probable lack of pertinence to current needs of the federal agencies associated with it, the bill seems to offer no serious threat to the Agency RD&E program in general and the TSD/D&E program specifically.

2. The bill would pull together in one new department, as you know, all of the RD&E functions of a number of federal agencies including the Department of Defense. No mention is made of this Agency or for that matter, a number of other small independent agencies.

3. In summary, this bill appears to us to be a giant step in the wrong direction. The Defense Department alone has sufficient trouble in making its RD&E programs responsive to its field needs, even when it controls its own RD&E resources. The thought of Defense Department users having to go across federal agency boundaries to have their technical needs satisfied boggles the imagination. A smaller agency which pulls together, perhaps, some of the research and development done in the specialized bureaus such as NBS and NSF, etc., might serve some useful function.

4. Having said all of the above, I should make it clear that in fact we see no problems specifically for the Agency in this proposed bill. Your office's interest in keeping us informed of pending federal legislation with potential impact on our activities is appreciated.

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Chief
Technical Services Division

S E C R E T

91ST CONGRESS
2D SESSION

S. 4453

IN THE SENATE OF THE UNITED STATES

OCTOBER 12, 1970

Mr. MONTROYA introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Department
5 of Science and Technology Act of 1970".

6 STATEMENT OF PURPOSE

7 SEC. 2. The purpose of this Act is to establish a Depart-
8 ment of Science and Technology which will consolidate
9 under centralized civilian authority all the existing resources
10 of the Federal Government devoted to science and tech-

11 nology. This will permit the optimization of the Federal

1 investment and the orderly and fully coordinated pursuit of
2 a national science plan responsive to the needs of the Nation.
3 Such Department will give the Federal Government the
4 needed flexibility to meet the future needs for science and
5 technology and encourage the diversification of American
6 industry to provide the required services and products neces-
7 sary to execute the national science plan. The resulting
8 diversification of American industry will assure the orderly
9 progression of science and technology and will promote the
10 rapid growth of new services, products, and markets directly
11 into the national economy.

12 ESTABLISHMENT OF DEPARTMENT

13 SEC. 3. There is hereby established an executive depart-
14 ment of the Government to be known as the United States
15 Department of Science and Technology (hereinafter re-
16 ferred to as the "Department"), at the head of which shall
17 be a Secretary of Science and Technology (hereinafter re-
18 ferred to as the "Secretary"), who shall be appointed by
19 the President, by and with the advice and consent of the
20 Senate, and shall receive compensation at the rate provided
21 by law for heads of the executive departments.

22 UNDER SECRETARY AND ASSISTANT SECRETARIES

23 SEC. 4. There shall be in the Department an Under
24 Secretary of Science and Technology, such Assistant Secre-

1 sary, and a General Counsel, each of whom shall be ap-
2 pointed by the President, by and with the advice and con-
3 sent of the Senate, shall perform such functions and duties
4 as the Secretary may prescribe, and shall receive compensa-
5 tion at the rate provided by law for under secretaries (other
6 than the Under Secretary of the Department of State), as-
7 sistant secretaries, and general counsels, respectively, of the
8 executive departments. The Under Secretary (or, during
9 the absence or disability of the Under Secretary, or in the
10 event of a vacancy in the Office of the Under Secretary,
11 an Assistant Secretary determined according to such order
12 as the Secretary shall prescribe) shall act as Secretary dur-
13 ing the absence or disability of the Secretary or in the event
14 of a vacancy in the Office of Secretary.

15 PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

16 SEC. 5. Except to the extent inconsistent with this Act,
17 all provisions of law applicable to the executive departments
18 generally shall apply to the Department.

19 SEAL

20 SEC. 6. The Secretary shall cause a seal of office to be
21 made for the Department, of such design as the President
22 shall approve, and judicial notice shall be taken thereof.

23 DELEGATION OF AUTHORITY

24 SEC. 7. The Secretary may, without being relieved of
25 his responsibility therefor, and unless prohibited by some

1 specific provision of law, perform any function vested in him
2 through or with the aid of such officials or organizational
3 entities of the Department as he may designate.

4 GENERAL TRANSFERS TO DEPARTMENT

5 SEC. 8. (a) Except with respect to specific transfers
6 pursuant to following sections of this Act there are trans-
7 ferred to the Secretary such functions of all departments and
8 agencies of the Government as the President determines
9 relate primarily to research, development, testing, or
10 evaluation.

11 (b) All personnel, property, records, obligations, com-
12 mitments, and unexpended balances of appropriations, allo-
13 cations, and other funds, which the Director of the Office of
14 Management and Budget determines are used primarily in
15 relation to any function transferred under the provisions of
16 this section, are transferred to the Department.

17 NATIONAL SCIENCE FOUNDATION

18 SEC. 9. The National Science Foundation, together with
19 its personnel, property, records, obligations, commitments,
20 and the unexpended balances of its appropriations, is trans-
21 ferred to the Department where it shall exercise its functions
22 subject to the supervision and direction of the Secretary.

23 ATOMIC ENERGY COMMISSION

24 SEC. 10. The Atomic Energy Commission, together with
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25 its personnel, property, records, obligations, commitments,

1 and the unexpended balances of its appropriations, is trans-
2 ferred to the Department where it shall exercise its functions
3 subject to the supervision and direction of the Secretary and
4 shall be known as the Atomic Energy Administration of the
5 Department of Science and Technology.

6 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

7 SEC. 11. The National Aeronautics and Space Adminis-
8 tration, together with its personnel, property, records, obli-
9 gations, commitments, and the unexpended balances of its
10 appropriations, is transferred to the Department where it
11 shall exercise its functions subject to the supervision of the
12 Secretary.

13 NATIONAL BUREAU OF STANDARDS

14 SEC. 12. The National Bureau of Standards in the De-
15 partment of Commerce, together with such personnel, prop-
16 erty, records, obligations, commitments, and unexpended
17 balances of appropriations, allocations, and other funds as are
18 determined by the Director of the Office of Management and
19 Budget to be used primarily with respect to functions being
20 administered through such Bureau, is transferred to the De-
21 partment, and all functions of the Secretary of Commerce
22 being administered through such Bureau are transferred to
23 the Secretary.

1 TRANSFERS FROM DEPARTMENT OF DEFENSE

2 SEC. 13. (a) To the extent not transferred pursuant to
3 section 8 there are transferred to the Secretary such func-
4 tions of the Secretary of Defense and the Secretaries of the
5 military departments of the Department of Defense as the
6 President determines relate primarily to the design, develop-
7 ment, testing, evaluation, procurement, and research with
8 respect to, weapons systems.

9 (b) All civilian personnel, property, records, obliga-
10 tions, commitments, and unexpended balances of appropria-
11 tions, allocations, and other funds which the Director of the
12 Office of Management and Budget determines are used pri-
13 marily in relation to any function transferred under the pro-
14 visions of this section, are transferred to the Department.

15 TRANSFERS FROM SMITHSONIAN INSTITUTION

16 SEC. 14. (a) The following functions of the Smith-
17 sonian Institution are transferred to the Secretary:

18 (1) all functions being administered through the
19 Smithsonian Astrophysical Observatory;

20 (2) all functions being administered through the
21 Radiation Biology Laboratory;

22 (3) all functions being administered through the
23 Smithsonian Tropical Research Institute;

24 (4) all functions with respect to the exchange of
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1 scientific publications being administered through the
2 Science Information Exchange; and

3 (5) any other functions of such Institution which
4 are determined by the Director of the Office of Manage-
5 ment and Budget to relate primarily to scientific research
6 not related to museum or zoological purposes.

7 (b) All personnel, property, records, obligations, com-
8 mitments, and unexpended balances of appropriations, alloca-
9 tions, and other funds, which the Director of the Office of
10 Management and Budget determines are used primarily in
11 relation to any function transferred under the provisions of
12 this section, are transferred to the Department.

13 (c) Nothing in this section shall be deemed to authorize
14 any transfer which in the opinion of the Attorney General
15 cannot be made because of the provisions of a private be-
16 quest or other grant to such Institution.

17 TRANSFERS FROM DEPARTMENT OF STATE

18 SEC. 15. (a) There are transferred to the Secretary
19 all functions of the Secretary of State with respect to the
20 scientific attaché program being carried out by the Depart-
21 ment of State.

22 (b) All personnel, property, records, obligations, com-
23 mitments, and unexpended balances of appropriations, alloca-
24 tions, and other funds, which the Director of the Office of

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1 Management and Budget determines are used primarily in
2 relation to any function transferred under the provisions of
3 this section, are transferred to the Department.

4 NATIONAL SCIENCE PLAN

5 SEC. 16. The Secretary shall, after consultation with
6 the heads of the appropriate departments and agencies of
7 the Government, develop a national science plan providing
8 for the efficient execution of all activities of the Government
9 relating to research, development, testing, and evaluation.
10 The Secretary shall report such plan, together with his rec-
11 ommendations for such legislation as may be necessary to
12 carry out such plan, to the President and the Congress as
13 soon as practicable.

14 RECOMMENDATIONS WITH RESPECT TO FURTHER TRANS- 15 FERS TO THE DEPARTMENT

16 SEC. 17. For the purpose of promoting scientific and
17 technical progress and efficiency in Government the Secre-
18 tary shall establish and maintain a continuing investigation
19 and study for the purpose of making recommendations to
20 the President and the Congress with respect to transfers to
21 the Department of functions or agencies of the Government
22 in addition to those transferred pursuant to this Act.

23 COSTING AND PROCUREMENT

24 SEC. 18. (a) The Secretary shall establish a costing
25 and procurement activity for the Department with the over-
26 all responsibility for cost estimating of new tasks, cost

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1 accounting on work in progress (both in-house and industry
2 contractor), department budget estimates, procurement of
3 all prototype and production research and development
4 hardware, selecting most advantageous methods of procure-
5 ment of research, development, and testing for the Depart-
6 ment in consideration of price, quality, timeliness, and other
7 factors. A close interface with the costing and procurement
8 activity of the Department shall be maintained with the
9 Comptroller General. The Secretary shall establish in con-
10 sonance with the Comptroller General the best procedures
11 for cost analysis and procurement. The Secretary shall re-
12 quest the Comptroller General to (1) regularly review the
13 costing and procurement procedures and programs of the
14 Department and advise him as to the fiscal responsibility of
15 the execution of the national science and technology pro-
16 gram and (2) provide audit and investigation recommenda-
17 tions prior to the entering of contracts by the Department.
18 The Comptroller General is authorized to provide such
19 services to the Secretary.

20 (b) The provisions of this section are in addition to and
21 not in replacement of other provisions of law relating to
22 Department procedures.

23

CONGRESSIONAL LIAISON

24

SEC. 19. The Secretary shall establish a departmental

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25

office, staffed with qualified scientific personnel, to provide

1 the Congress with the necessary scientific expertise and
2 program information as may be requested by congressional
3 members and committees.

4 TRANSFER MATTERS

5 SEC. 20. All laws relating to any agency or function
6 transferred under this Act shall, insofar as such laws are
7 not inapplicable, remain in full force and effect. Any transfer
8 of personnel pursuant to this Act shall be without change in
9 classification or compensation, except that this requirement
10 shall not operate to prevent the adjustment of classification
11 or compensation to conform to the duties to which such
12 transferred personnel may be assigned. All orders, rules,
13 regulations, permits, or other privileges made, issued, or
14 granted by any agency or in connection with any functions
15 transferred by this Act, and in effect at the time of the trans-
16 fer, shall continue in effect to the same extent as if such
17 transfer had not occurred, until modified, superseded, or
18 repealed. No suit, action, or other proceeding lawfully com-
19 menced by or against any agency or any officer of the United
20 States acting in his official capacity shall abate by reason
21 of any transfer made pursuant to this Act, but the court,
22 on motion or supplemental petition filed at any time within
23 twelve months after such transfer takes effect, showing a
24 necessity for a survival of such suit, action, or other proceed-
25 ing to obtain a settlement of the questions involved, may

1 allow the same to be maintained by or against the appropriate
2 agency or officer of the United States.

3 ADVISORY COMMITTEES

4 SEC. 21. The Secretary may establish such advisory
5 committees as he may determine to be desirable and in fur-
6 therance of the purposes of this Act. Members of each such
7 advisory committee who are not in the regular full-time em-
8 ploy of the United States shall, while attending meetings or
9 conferences of the advisory committee or otherwise engaged
10 in the business of the advisory committee, be entitled to re-
11 ceive compensation at a rate fixed by the Secretary, but not
12 exceeding the rate specified for grade GS-18 in section 5332
13 of title 5, United States Code, including traveltime, and
14 while so serving on the business of the advisory committee
15 away from their homes or regular places of business, they
16 may be allowed travel expenses, including per diem in lieu
17 of subsistence, as authorized by section 5703 of title 5, United
18 States Code, for persons employed intermittently in the
19 Government service.

20 EXPENDITURES AUTHORIZED

21 SEC. 22. The Secretary is authorized to make such ex-
22 penditures (including expenditures for personal services and
23 rent at the seat of government and elsewhere, for lawbooks,
24 books of reference and periodicals, and for printing and
25 binding) as may be necessary to carry out the provisions of

1 this Act, and as may be provided for by the Congress from
2 time to time.

3 REPORTS TO CONGRESS

4 SEC. 23. The Secretary shall make at the close of each
5 fiscal year a report in writing to Congress giving an account
6 of all moneys received and disbursed by him and the Depart-
7 ment, describing the work done by the Department, and
8 making such recommendations as he shall deem necessary
9 for the effective performance of the duties and purposes of
10 the Department.

11 AMENDMENT TO TITLE 5, UNITED STATES CODE

12 SEC. 24. Section 101 of title 5 of the United States Code
13 is amended by inserting at the end thereof the following:

14 "The Department of Science and Technology."

15 APPROPRIATIONS AUTHORIZED

16 SEC. 25. There are authorized to be appropriated such
17 sums as may be necessary to enable the Department to carry
18 out the provisions of this Act and to perform any other duties
19 which may be imposed upon it by law.

20 EFFECTIVE DATE

21 SEC. 26. The provisions of this Act shall be effective on
22 its date of enactment, except that sections 8 through 15 shall
23 be effective after ninety days following such date.

91ST CONGRESS
2d Session

S. 4453

A BILL

To establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department.

By Mr. MONTGOMERY

OCTOBER 12, 1970

Referred to the Committee on Government Operations

54453

☐ UNCLASSIFIED ☐ INTERNAL ☐ CONFIDENTIAL ☒ SECRET

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Chief, TSD
203 South Building

EXTENSION

2831

NO.

DATE

21 Dec 70

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. EA/DDP
3 C 34 Headquarters

22 DEC 1970

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3. Legislative Counsel
7 D 43 Headquarters

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PC

JL

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Put FYI, This same
bill will probably come
up again in FY 71
JL

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FORM 3-62

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